

MIDDLETOWN, OHIO

January 4, 2022

At 5:30 p.m., Mayor Condrey called the City Council Meeting to order in Council Chambers, Lower Level of the City Building.

ROLL CALL

Adriane Scherrer

City Council Members present: R. Muterspaw, T. Moon, Z. Ferrell, N. Condrey, M. Nenni.

Adriane Scherrer, Monroe surrounds my house but my heart is here in Middletown. My office is at 1028 Central Avenue, Middletown, Ohio. I would like to petition all of you to fix that floor so arthritics don't kill themselves. I have a couple of things that I wanted to say after I read the newspaper article that Rick McCrabb wrote about what's going on in Monroe and Madison and Middletown. What struck me was that we all need to realize that the Port Authority in Warren County has done a fabulous job of keeping Warren County focused on tourism. That's really why they're interested in helping us with the mall which is in Warren County. I'm really glad that they're involved in that because I know it's going to happen. They get it done. The second thing that I read about was Central Avenue. I've been following it and know all about it. I thought everybody needed to know that four years ago, Public Works applied for this grant that is paying for Central Avenue to become this wonderful Central Avenue. I think we need to applaud that. It takes a long time to plan something that big and they're going to get it done. I like getting it done and I like all these smiling faces this evening.

Jim Stiver

Jim Stiver, 2803 Flemming Road, Middletown, Ohio. I welcome the new council to your new positions and I wish you the best of luck. My speech concerns you as trustees, as council representatives, because you need to take care of the City and nurture it. It needs help because we have a problem. The problem is we have to plan for the future and the future is now. You're like the folks in the late 1800's preparing for the growth of Middletown and the people facilitating that growth in the late 1800's by prepping the City for growth and for people development facilitating that growth. They were anticipating ARMCO (American Rolling Mill Company) or somebody coming in so they modernized their water and sewer systems for the coming growth. Andrew Carnegie built a library here in 1909, because of the City's growth. The Carnegie Library needs to be repurposed in what Dan Mayzum is proposing, to keep a link to Middletown's past present and future. In 1909, a new high school was built. The naysayers and there are always naysayers out there, said it would never be filled. By 1918, it was filled and for the next 50 years it became the Middletown municipal building. Now we come to the growth spurt. In 1920, 100 years ago, we built a new high school Middletown. In 1923, the YMCA and St. John's Catholic Church were built. All those facilities have either served the city well or are currently serving the city. In 1922, Sunset Pool came for recreation. Now we have a complete city with recreation and everything's set to go. I know your position because I was a trustee or a board member of a small credit union here in Middletown since 2002. I served on the Wildwood Board of the Golf Club for a two-year term. I went through change like you guys are about to see. What we have here is a group of trustees or council people who will be fighting the old problems, namely one the Assistant City Manager is getting paid more than the head guy. You're going to have to deal with that, so good luck. Now we have the millennials and xennials who are now taking charge. I'm a baby boomer, changing of the guard, the greatest generation replaced by us the baby boomers. So, now we have the millennials who want to live here in the middle of town, perfect place for housing to be the old Middletown High School site there on Gerrard. Because the millennials and the xennials want to walk to work and be close to work or ride a bike. We have to work on jobs. We're going to have to work on the City's infrastructure, which you guys will be doing. In the past we had a bunch of City Council people who ran the City and they thought was great pat on the back. The Jack Horner theory, I balanced the budget, what a good boy am I. Not good, nothing was done.

Mayor Condrey informed Mr. Stiver that the three-minute time limit had expired and welcomed him and any other citizen to email their comments to City Council. Mr. Stiver replied that the Mayor is like Lincoln, and knows the score.

Stephen Hightower II

Stephen Hightower II, 1017 Gage Drive, Middletown, Ohio. Thank you, Mayor and members of Council, Happy New Year, it's exciting to see a new Council and excited for everything that you have to offer. Today this Council can create new jobs, bring new business and revenue to the City and create competition that could lead to lower fuel prices here in Middletown. Council can do this by passing Ordinance Number O2021-130. The average convenience store creates 17 new jobs. The owner, Mr. Amarjit Takhar has done business with my business, Hightowers Petroleum Company, for over seven years. He's an honorable man with great business sense. He owns over 35 stores in Ohio and plans to invest in other businesses outside of retail gas stations that could come to Middletown. Fuel prices are sky high. Everybody asks me every day why are fuel prices so high. There's a big secret that nobody wants to tell you. Most convenience stores peek out the window and if they see somebody's else's high prices higher than theirs, they might lower it. We need some competition that will lower gas prices here for everybody in Middletown. Today I urge you to vote for jobs, small businesses and progress. Thank you very much.

COUNCIL COMMENTS
Ms. Nenni

Ms. Nenni wished everyone a Happy New Year and expressed a heartfelt welcome to the new Council Members, Zack Ferrell and Rodney Muterspaw. It has been a pleasure getting to know

both of you and I look forward to working with you over the next two years. I remember how excited and nervous I was sitting at this dais for the first time and feeling the immense pressure to say and do the right thing. Doing the right thing is much more complex than it sounds because regardless of your best intentions and depth of understanding of the decisions that you make there will be citizens who don't agree with you. Try to respect and understand the passion and positions of those who may disagree with you. There is something that you can learn from every challenge. Working together and seeking out creative solutions to our shared challenges is what doing the right thing is all about. No one person on this council can accomplish anything alone but together we can make Middletown a better and brighter place for generations to come.

Mr. Moon

Mr. Moon wished everyone a happy new year and thanked Shelby Quinlivan for her service of the City over the last few years. When you came into this job, your predecessor was an intern. You built your role from the ground up. Thank you and I wish you and your family all the best. Zach and Rodney, welcome to the team. I think one of the great things about Council and the people you meet is we all have different strengths, life experiences and expertise. You guys bring expertise that I don't have but the good news is that we all love Middletown and we have a passion for Middletown. Those bonds are a lot stronger than any disagreements we might have up here. I look forward to serving with you. I want to give a shout out to Holiday Whoopla and Light Up Middletown, two great Christmas events. We all had an opportunity to serve with Holiday Whoopla, I got to dress up as a grinch. It was a fun event and Light Up Middletown is always wonderful. Thank you to the Grandpa Gang and to Avinne Kiser and everybody that put in lots of time and money into making those events happen.

Mr. Ferrell

Mr. Ferrell expressed his appreciation for all of the kind words. I'm really looking forward to the future. Thank you to everyone that voted and supported me along this process and I look forward to just doing the right thing for Middletown.

Mr. Muterspaw

Mr. Muterspaw wished everyone a Happy New Year and congratulations to the Holiday Whoopla organizers. It was such a big success. I want to thank Ami Vitori and Joe Mulligan, the outgoing Council members for their work and their service. I know that's hard and congratulations to Shelby for finding something that was pretty cool and moving on to that. She's done good work. I'm going to ask a lot of questions and I hope staff and Council and the community understands that I ask questions because I don't know the answer. I want to learn and being the Police Chief was one thing but knowing Economic Development, Public Works and Fire is a whole different ball game. So, I'll ask a lot of questions and I hope you understand that I'm asking to learn and be better and make an informed vote. I love this City, I love the people in it. Thank you very much and I appreciate your support.

Ms. Condrey

Ms. Condrey congratulated the organizers of the Holiday Whoopla event and thanked the volunteers that made it happen. I know they could have used even more support so hopefully we'll look forward to rallying the troops even better next winter. Thank you, Shelby Quinlivan and congratulations, on moving to a new position. Welcome new council members, I look forward to working with you guys.

CITY MANAGER

Mr. Palenick discussed the upcoming Strategic Planning Session scheduled for February. It will be in a format much like last year. We will keep you updated with the dates, times and location of the meeting. We certainly look forward to it. It is a great way to begin the year and start looking forward to some of the big important policy discussion and issues that we'll have throughout the year.

CONSENT AGENDA

Receive and File Oaths of Office for Zack Ferrell & Rodney Muterspaw

Ms. Nenni moved to approve the issues and actions listed on the Consent Agenda. Mr. Ferrell seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. Muterspaw, Mr. Ferrell, Ms. Condrey.

Waive Charter

Ms. Nenni moved to suspend the Charter provision that requires reading on two separate days and to declare Resolution No. R2021-55, Ordinance No. O2021-126 and Resolution No. R2022-02 emergency measures to be read one time only. Ms. Condrey seconded. Motion carried. Ayes: Mr. Moon, Mr. Muterspaw, Ms. Condrey, Ms. Nenni, Mr. Ferrell.

**Res. No. R2021-55
2022 Urban Paving
Program Contract**

Resolution No. R2021-55, a final resolution authorizing the City Manager to enter a contract with the State of Ohio, Department of Transportation for the 2022 Urban Paving Program on a portion of State Route 4 from Tytus Avenue to Germantown Road and declaring an emergency was read.

Ms. Nenni moved to approve Resolution No. R2021-55, a final resolution authorizing the City Manager to enter a contract with the State of Ohio, Department of Transportation for the 2022 Urban Paving Program on a portion of State Route 4 from Tytus Avenue to Germantown Road and declaring an emergency. Mr. Moon seconded. Motion carried. Ayes: Mr. Muterspaw, Ms. Condrey, Mr. Ferrell, Ms. Nenni, Mr. Moon.

Ord. No. O2021-126

Ordinance No. O2021-126, an ordinance authorizing a contract with Milcon Concrete, Inc. for

<p>Contract with Milcon Concrete, Inc. Central Avenue Improvements</p>	<p>improvements to Central Avenue between Canal Street and University Boulevard and declaring an emergency was read.</p> <p>Mr. Moon moved to approve Ordinance No. O2021-126, an ordinance authorizing a contract with Milcon Concrete, Inc. for improvements to Central Avenue between Canal Street and University Boulevard and declaring an emergency. Mr. Ferrell seconded. Motion carried. Ayes: Ms. Condrey, Mr. Ferrell, Ms. Nenni, Mr. Moon, Mr. Muterspaw.</p>
<p>Ord. No. O2021-127 Amend Section 452.15</p>	<p>Ordinance No. O2021-127, an ordinance amending Section 452.15 (City Parking Facility Fees) of the Codified Ordinances was read for the first time.</p>
<p>Ord. No. O2021-128 Contract with Cartegraph Systems</p>	<p>Ordinance No. O2021-128, an ordinance establishing a procedure for and authorizing a contract with Cartegraph Systems, LLC for the purchase of asset management software was read for the second time.</p> <p>Mr. Moon moved to approve Ordinance No. O2021-128, an ordinance establishing a procedure for and authorizing a contract with Cartegraph Systems, LLC for the purchase of asset management software. Mr. Ferrell seconded. Motion carried. Ayes: Mr. Ferrell, Ms. Nenni, Mr. Moon, Mr. Muterspaw, Ms. Condrey.</p>
<p>Ord. No. O2021-129 Vacate Public Right of Way</p>	<p>Ordinance No. O2021-129, an ordinance vacating a portion of public right-of-way located between the parcels known as Q6511007000023, Q6511007000018 and Q6511007000043 was read for the second time.</p> <p>Ms. Condrey moved to approve Ordinance No. O2021-129, an ordinance vacating a portion of public right-of-way located between the parcels known as Q6511007000023, Q6511007000018 and Q6511007000043. Mr. Muterspaw seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. Muterspaw, Ms. Condrey, Mr. Ferrell.</p>
<p>Ord. No. O2021-130 Rezone Southwest Corner of Manchester Road and Dixie Hwy.</p>	<p>Ordinance No. O2021-130, an ordinance approving a request to rezone one parcel located at the southwest corner of Manchester Road and Dixie Highway from R-2 (Low Density Residential) to PD (Planned Development) and approving a preliminary development plan was read for the second time.</p> <p>Ms. Condrey moved to approve Ordinance No. O2021-130, an ordinance approving a request to rezone one parcel located at the southwest corner of Manchester Road and Dixie Highway from R-2 (Low Density Residential) to PD (Planned Development) and approving a preliminary development plan was read for the first time. (General Fund – Police)</p>
<p>Res. No. R2022-01 Amend Appropriations</p>	<p>Resolution No. R2022-01, a resolution to make adjustments to appropriations for current expenses and other expenditures of the City of Middletown, Counties of Butler and Warren, State of Ohio, for the period ending December 31, 2022 was read for the first time. (General Fund – Police)</p>
<p>Ord. No. O2022-01 Purchase Buses</p>	<p>Ordinance No. O2022-01, an ordinance establishing a procedure for and authorizing a contract with MCI and Butler County Regional Transit Authority for the purchase of three 45-foot heavy duty commuter coaches was read for the first time.</p>
<p>Ord. No. O2022-02 Contract with ODOT To Replace Bridge</p>	<p>Ordinance No. O2022-02, an ordinance authorizing the City Manager to enter into a contract with the Ohio Department of Transportation for the replacement or rehabilitation of the bridge that carries SR 122 (Columbia Avenue) over the hydraulic canal was read for the first time.</p>
<p>Ord. No. O2022-06 Amend Job Creation Incentive Grant Program</p>	<p>Ordinance No. O2022-06, an ordinance amending the Job Creation Incentive Grant Program created by Ordinance No. O2007-33 as amended by Ordinance No. O2007-88, Ordinance No. O2011-40 and Ordinance No. O2012-11 was read for the first time.</p>
<p>Ord. No. O2022-07 Enterprise Zone Agreement Phoenix Metals</p>	<p>Ordinance No. O2022-07, an ordinance amending Ordinance No. O2021-64 authorizing the City to enter into an enterprise zone agreement with Phoenix Metals providing for a new manufacturing facility as a development project and tax exemption pursuant to the Ohio Enterprise Zone Program was read for the first time.</p>
<p>Res. No. R2022-02 Transfer Funds to Middletown Port Authority</p>	<p>Resolution No. R2022-02, a resolution authorizing a transfer of funds to the Middletown Port Authority and declaring an emergency was read.</p> <p>Ms. Nenni moved to approve Resolution No. R2022-02, a resolution authorizing a transfer of funds to the Middletown Port Authority and declaring an emergency. Mr. Moon seconded. Motion carried. Ayes: Mr. Muterspaw, Ms. Condrey, Mr. Ferrell, Ms. Nenni, Mr. Moon.</p>
<p>NEW BUSINESS</p>	<p>Ms. Condrey asked for an update on Ordinance O2021-80, the lobbying efforts contract that was initially approved by council by emergency on September 21st. I know the contract is through the end of June 2022, but we were able to give 30 days written notice? Is there a need to cancel that contract or is it being used in other fashions?</p>

Mr. Palenick responded that they are working on other things, primarily the City's capital requests to the state. The City is working with both Warren County and Butler County groups making capital requests. They're lobbying on our behalf for potential new legislation that might help us fund a jail in the future. There are a series of other things and initiatives that we're working on. It was always designed to be those things that are the highest priority for us.

Ms. Condrey addressed the payments for the aviation fuel. On the 5th of October, I recommended to staff that we make timely payments to AvFuel for aviation fuel. At the December 7th meeting, a former council member asked Mr. Palenick for an update on those fuel payments and the City Manager stated that we had always made our payments on time, that was never an issue. I had not intended to request any further details, but at that point, I thought my integrity was somewhat being called into question. In a public forum, I asked to see the city communications with AvFuel covering a few months prior to that. After receiving the responses, I allowed one public city council meeting to pass for the staff to clarify for the public record. Tonight, constitutes a second public meeting in which these facts could have been corrected for the record. So, since they haven't, I'm going to read a few emails publicly that I received from that request. The first was September 10, 2021, from AvFuel to the City of Middletown, I'm contacting you in regards to invoices that are past due on the account. I have attached the invoices to this email if you have any questions or concerns please let me know I look forward to hearing payment update as soon as possible. September 17th, 2021 from AvFuel to the City of Middletown, just a gentle reminder that these past due invoices are still open on account. Let me know if you have any questions. The City to AvFuel a few minutes later, apologies, been assured these have been processed. AvFuel back to the City a few minutes later, thanks for the update. October 8, 2021 from AvFuel to the City of Middletown, just wanted to let you know about a couple more invoices that are now past due. I have attached them to this email. Let me know if you have any questions. My intent was never to bring the specifics of this out publicly, just to simply inform staff that there was a potential payment issue they might need to fix. I provide these emails now to clear the public record on the issue.

EXECUTIVE SESSION

At 7:01 p.m. Ms. Nenni moved to adjourn to executive session under the authority of O.R.C. 121.22 (G) (1) To consider the appointment of a public employee or official. Mr. Moon seconded. Motion carried. Ayes: Mr. Muterspaw, Ms. Condrey, Mr. Ferrell, Ms. Nenni, Mr. Moon.

At 8:27 p.m. Mr. Moon moved to return to regular session. Ms. Nenni seconded. Motion carried. Ayes: Mr. Muterspaw, Ms. Condrey, Mr. Ferrell, Ms. Nenni, Mr. Moon.

Board & Commission Appointments

Ms. Nenni moved to confirm the following board & commission appointments:

Airport Commission: Greg Couch, Tim Epperhart and Tom Rudolf

Cemetery Board: Ken Blandford

Civil Service Commission: Tom Brickey

Board of Health: Jeff Bonnell

Income Tax Review Board: Gary Gross

Library Board: Bill Jones, Deborah Houser, Michael Huff

Planning Commission: Samuel Cornwall, Greg Emerick

Zoning Board of Appeals: Gary Gross

Citizens Advisory Board to the Police: Dora Bronston, Tammy Thompson, Calverez Wills,

Ennoris Thomas will serve as at large positions

Mr. Moon seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. Muterspaw, Ms. Condrey, Mr. Ferrell.

Appoint Vice Mayor

Mr. Moon moved to appoint Ms. Nenni as Vice Mayor. Mr. Muterspaw seconded. Motion carried. Ayes: Mr. Moon, Mr. Muterspaw, Ms. Condrey, Ms. Nenni, Mr. Ferrell.

City Council Liaisons

Ms. Nenni moved to confirm the 2022 City Council Liaisons for the following boards and commissions:

Airport Commission – Tal Moon

Architectural Review Board- Rodney Muterspaw

Board of Health – Nicole Condrey

Board of Library Trustees – Nicole Condrey

Citizen Advisory Board to the Middletown Division of Police- Zack Ferrell

City Planning Commission – Monica Nenni (Alternate: Rodney Muterspaw)

Middletown Visitors Bureau – Zack Ferrell

Emergency Management Advisory Council – Nicole Condrey

Keep Middletown Beautiful – Monica Nenni

Middletown Cemetery Board – Nicole Condrey

Middletown Port Authority – Tal Moon

OKI Regional Council of Governments – Talbott Moon (Alternate: Nicole Condrey)

Park Board – Monica Nenni

SELF Board – Rodney Muterspaw

Tax Incentive Review Committee – Zack Ferrell

Warren County Municipal League Representative- Talbott Moon


Community Center Advisory Committee-Talbott Moon and Zack Ferrell

.ADJOURNMENT

Mr. Moon seconded. Motion carried. Ayes: Mr. Muterspaw, Ms. Condrey, Mr. Ferrell, Ms. Nenni, Mr. Moon.

At 8:32 p.m., the meeting was declared adjourned until January 18, 2022 at 5:30 in Council Chambers.

Attest: 



Nicole Condrey, Mayor